

# **BRAZIL 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Brazil is a constitutional, multiparty republic governed by a democratically elected government. In October, voters chose the president and bicameral national legislature in elections that international and national observers reported were free and fair. On October 2, in the first round of general elections, no candidate for the presidency received the required number of votes to win outright. The two leading candidates, President Jair Bolsonaro and former President Luiz Inácio Lula da Silva, qualified for the second round of voting, held on October 30. Lula won with 51 percent of the vote and was scheduled to be sworn in as president on January 1, 2023.

The three national police forces – the Federal Police, Federal Highway Police, and Federal Railway Police – have domestic security responsibilities and report to the Ministry of Justice and Public Security (Ministry of Justice). There are two distinct units within the state police forces: the civil police, which performs an investigative role, and the military police, charged with maintaining law and order in the states and the Federal District. Military police forces report to the Ministry of Justice, not the Ministry of Defense. The armed forces have some domestic security responsibilities and report to the Ministry of Defense. Civilian authorities at times did not maintain effective control over security forces. There were reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and sometimes life-threatening prison conditions; arbitrary arrest or detention; serious restrictions on freedom of expression and media, including violence against journalists; serious government corruption; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats of violence targeting members of racial minorities, human rights and environmental activists, and indigenous peoples; crimes, violence, or threats of violence motivated by antisemitism; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex

persons.

The government prosecuted officials who committed abuses or engaged in corruption; however, impunity and a lack of accountability for security forces was a problem, and an inefficient judicial process at times delayed justice for perpetrators as well as for victims.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that state-level civil and military police committed arbitrary or unlawful killings. In some cases, police employed indiscriminate force. Depending on the nature of the case in question, the Federal Prosecutor's Office or state prosecutors' offices are responsible for investigating whether police killings were justifiable and pursue prosecutions.

The nongovernmental organization (NGO) Brazilian Public Security Forum reported that police killed 6,133 persons nationwide in 2021, compared with 6,424 persons in 2020, a 4.5 percent decrease. In 2021, the rural Amazonian states of Acre, Rondônia, and Roraima each reportedly had more than a 40 percent drop in the number of killings committed by police. Experts attributed this overall decrease to different factors: the use of body cameras on the uniforms of São Paulo police officers, training of police officers, greater use of nonlethal weapons, the general trend of reduction of crimes against life in the country, and changes in the dynamics of organized crime. The rate of Afro-Brazilians killed by the police increased by 5.8 percent in 2021 compared with 2020, while the rate of White persons killed decreased by almost 31 percent.

According to some civil society organizations, victims of police violence throughout the country were overwhelmingly young Afro-Brazilian men. In May, the Brazilian Public Security Forum reported that 84 percent of the persons killed by police in 2021 were Black, compared with the 56 percent of the country's population that is Black.

In the first six months in Rio de Janeiro State, 628 persons died from police

interventions, a 22 percent decline compared with the same period in 2021, when 806 persons died. According to a report by Rio de Janeiro State's Public Attorney General's Office, from June 2020 to June 2022, police carried out 1,376 operations in the state. Rio de Janeiro City was the focus of most operations, with 56 percent of the total.

On May 24, 80 military police agents from Rio de Janeiro State's Special Operations Battalion and 26 from the Special Operations Command of the Federal Highway Police conducted a joint operation to arrest Commando Vermelho gang members alleged to be hiding in Vila Cruzeiro in the city of Rio de Janeiro. The operation resulted in 23 deaths, making it the state's second deadliest police action after the May 2021 police operation in Jacarezinho that left 25 persons dead. The operation lasted more than 12 hours, and of the 23 individuals killed, only 10 were confirmed to be targets of the operation. No officers involved in the operation were reported to be injured or killed; however, one civil police officer conducting a forensics investigation was injured. Media reported that one of the victims was a young male who suffered multiple stab wounds. Public inquiries arose regarding the appropriateness of the involvement of the Federal Highway Police in the operation.

The number of deaths resulting from military and civil police operations in the state of São Paulo from January to June decreased 26 percent, compared with the same period in 2021. According to the São Paulo state government, military and civil police reported 133 killings by police from January to June 2021. From 2020 to 2021, the total number of cases decreased by 30 percent. Security authorities attributed the reduction in deaths in part to the use of bodycams by military police officers along with the implementation of new policing strategies, including the use of nonlethal weapons, such as tasers.

Video posted on social media showed police in Sergipe State forcing a Black man, Genivaldo de Jesus Santos, into the trunk of a police vehicle on May 25. According to a medical report, de Jesus died soon after of asphyxiation. De Jesus's nephew, who witnessed the incident, said his uncle suffered from mental illness. The Federal Highway Police stated the victim resisted arrest. On October 10, the state public prosecutor's office filed a complaint against the three highway police officers involved in the case. Federal Police agents previously indicted the

officers for qualified homicide and abuse of authority.

Santa Catarina State saw the fewest persons killed by police in seven years, with 22 deaths between January and July, representing a decrease of 45 percent compared with the same period in 2021, according to the state's Public Security Secretariat.

Bahia State had 104 deaths from police interventions in the first two months of 2021, according to IDEAS Institute. Most deaths were Afro-Brazilian men and took place in the state capital, Salvador.

In February, Rio de Janeiro State's Court of Justice accepted criminal complaints filed by the Attorney General's Office against civil police officers regarding the August 2021 killing of Joao Vitor Santiago, age 17, during an alleged exchange of fire between military police and drug dealers. The first hearing took place on September 5, according to the Public Defender's Office. In May, the state court of justice ruled that police officers involved in the case would be limited to administrative duties. In June, the court ordered the state government to pay compensation to the family amounting to approximately two-thirds of the minimum wage until the date Joao Vitor Santiago would have reached age 25.

The São Paulo Public State Prosecutor's Office opened an investigation into the responsibility of the city of São Paulo in the death of Raimundo Nonato Rodrigues Fonseca Junior during a May 12 police operation to raid Princess Isabel Square, known as "Crackland" and occupied by persons experiencing homelessness and drug addiction, as well as drug traffickers. Police arrested at least nine persons suspected of drug trafficking during the raid and removed the homeless population to surrounding areas. The prosecutor's office was investigating whether police used excessive force against members of a vulnerable population, including Fonseca Junior, whose body was found near where the operation occurred.

On June 13, British freelance correspondent Dom Phillips and Brazilian Indigenous expert Bruno Pereira were found dead in the Javari region of Amazonas State. As of July, four individuals had been arrested in connection to the killings of Phillips and Pereira. Police were investigating the crimes' motive and considering the role of illegal fishing and narcotrafficking groups. The victims

had received death threats for helping to protect Indigenous communities from illegal drug traffickers, miners, loggers, and hunters.

There were no developments in the case regarding the 2020 killing of Indigenous leader and environmental and human rights defender Zezico Rodrigues Guajajara in Maranhão State.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution prohibits torture and inhuman or degrading treatment, but there were reports government officials sometimes employed such practices. The law mandates that special police courts exercise jurisdiction over state military police except those charged with “willful crimes against life,” primarily homicide. Police personnel often were responsible for investigating charges of torture and excessive force carried out by fellow officers. Delays in the special military police courts allowed many cases to expire due to statutes of limitations.

According to a report by the Human Rights Commission of the Brasilia Federal District Legislative Chamber, complaints of torture and mistreatment in the Federal District’s prison system grew from six reports of violence in 2019 to 46 in 2020 and 222 in 2021.

Authorities investigated a prison officer in February for keeping a prisoner as a “private slave” in Santa Catarina State. The prisoner was convicted of murder in 2002, but in 2008 the sentence was converted to house arrest. In 2008, the prison officer used fraudulent documentation stating the prisoner was to be remanded into his personal custody and would serve the house arrest term at the prison officer’s sister’s house. The prisoner said he had worked more than 14 hours per day since 2008. As of November, no developments were reported in the case.

The São Paulo State Special Chamber of the Court of Justice ordered Fundação Casa and the government of São Paulo to pay more than three million reais (R\$)

(\$574,000) to a childhood and youth fund as compensation for cases of torture, aggression, and mistreatment against adolescents that took place at the Guaianazes I unit between 2013 and 2015.

As of August 1, no trial date had been set in the case of two police officers, Joao Paulo Servato and Ricardo de Moraes Lopes from the 50th São Paulo State Metropolitan Military Police Battalion, who were filmed in 2020 holding a Black woman to the ground and stepping on her neck. The officers broke the woman's leg during the incident. The two officers were accused of abuse of authority and aggravated aggression. They remained on administrative duty.

In July, the Ceará State Court of Justice determined that the state must pay approximately R\$20,900 (\$4,000) in compensation to a farmer residing in the city of Banabuiú after he was unfairly accused and imprisoned for several months. The man was charged with theft; however, he had been the victim of forgery of a personal document.

In June, the Maranhão State Court of Justice ordered the state to pay approximately R\$52,250 (\$10,000) to the widow of a detainee who in 2017 died after he was left in an open jail cell where he suffered more than 18 hours of harsh conditions, including excessive sunlight and lack of personal hygiene, medication, and food.

Impunity and a lack of accountability for security forces, particularly at the local level, was a problem, and an inefficient judicial process at times delayed justice for perpetrators as well as for victims. Most examples of impunity were found in the military police and civil police, with some also reported in the armed forces and Federal Police. Low pay and endemic corruption established an environment where individuals were not consistently held accountable. Furthermore, the overburdened judicial system limited the application of justice and encouraged corruption. The federal and state public ministries, as well as ombudsmen and ethics centers, investigated accusations of impunity. Human rights were included in security forces' training curricula.

## **Prison and Detention Center Conditions**

Prison conditions were poor and sometimes life threatening, mainly due to overcrowding. Abuse by prison guards continued, and poor working conditions

and low pay for prison guards encouraged corruption.

**Abusive Physical Conditions:** According to the National Penitentiary Department (DEPEN), as of 2021 there were 204,185 more prisoners than the designed capacity, causing overcrowding across the country. Although some states were more overburdened than others, nationally the system was 45 percent above capacity, a decrease from the 67.5 percent recorded in 2020. Much of the overcrowding was due to the imprisonment of pretrial detainees. In 2021, DEPEN reported that 27,622 inmates were awaiting trial, which was 27.2 percent of the total number of detainees. This represented an increase of 2.4 percent since 2020.

Conditions in most prisons were inadequate. Prisoners often lacked access to potable water, adequate nutrition, clothing, and hygiene items. Many cells were infested with rats and cockroaches. In the Federal District's prison system, problems included poor quality of food and hygiene conditions, overcrowding, lack of access to health care, and inadequate infrastructure.

Reports of abuse by prison guards continued (see Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses above). Pastoral Carceraria, a Catholic Church entity that defends the human rights of detainees, reported 90 complaints of torture and other abuses in prisons across the country between March 15 and October 31, 2020. This represented an increase of more than 70 percent from the same period in 2019, when 53 cases were reported.

Prisoners convicted of petty crimes frequently were held with murderers and other violent criminals. Authorities attempted to hold pretrial detainees separately from convicted prisoners, but lack of space often required placing convicted criminals in pretrial detention facilities. In many prisons, including those in the Federal District of Brasilia, officials attempted to separate violent offenders from other inmates and keep convicted drug traffickers in a wing apart from the rest of the prison population. Multiple sources reported adolescents were held with adults in poor and crowded conditions.

Prisons suffered from insufficient staffing and lack of control over inmates. Violence was rampant in prison facilities. According to DEPEN, 209 prisoners

were killed while in custody in 2020. Poor administration of the prison system contributed to the violence as well as overcrowding, the presence of gangs, and corruption. Media reports indicated that incarcerated leaders of major criminal gangs continued to control their expanding transnational criminal enterprises from inside prisons.

Prison riots were common occurrences. In February, inmates from the Penitentiary Complex of Mata Escura in Bahia State rioted during a fight between members of rival drug factions. Five inmates died and 18 were injured in the riot and escape attempt. In April, another riot left seven inmates injured in Porto Alegre Public Prison, according to the Rio Grande do Sul Justice Secretariat.

**Administration:** State-level ombudsman offices; the National Council of Justice; the National Mechanism for the Prevention and Combat of Torture in the Ministry of Women, Family, and Human Rights; and the National Penitentiary Department in the Ministry of Justice monitored prison and detention center conditions and conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers. Prisoners and detainees had access to visitors; however, human rights observers reported some visitors complained of screening procedures that at times included invasive and unsanitary physical exams.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

Police must advise persons of their rights at the time of arrest or before taking them into custody for interrogation. The law prohibits use of force during an arrest unless the suspect attempts to escape or resists arrest. According to human rights observers, some detainees complained of physical abuse while being taken into police custody.



Authorities generally respected the constitutional right to a prompt judicial determination of the legality of detention. The law permits provisional detention for up to five days under specified conditions during an investigation, but a judge may extend this period. A judge may also order temporary detention for an additional five days for processing. Preventive detention for an initial period of 15 days is permitted if police suspect a detainee may flee the area. Defendants arrested in the act of committing a crime must be charged within 30 days of arrest. Other defendants must be charged within 45 days, although this period may be extended. In cases involving heinous crimes, torture, drug trafficking, and terrorism, pretrial detention could last 30 days with the option to extend for an additional 30 days. Often the period for charging defendants is extended because of court backlogs. The law does not provide for a maximum period of pretrial detention, which is decided on a case-by-case basis. Bail was available for most crimes, and defendants facing charges for all but the most serious crimes have the right to a bail hearing. Prison authorities generally allowed detainees prompt access to a lawyer. Detainees who are unable to pay for legal counsel have the right to a lawyer provided by the state. Detainees had prompt access to family members. If detainees are convicted, time in detention before trial is subtracted from their sentences.

**Arbitrary Arrest:** On June 9, the Niteroi Court of Justice in Rio de Janeiro State acquitted Luiz Carlos da Costa Justino of all charges brought against him for a 2017 car theft. He was arrested in 2020 after, according to police, the robbery victim identified Justino from a photograph lineup in the police station. According to media outlets, Justino, an adolescent at the time of the robbery, had no criminal record and therefore police should not have had access to any photographs of him. Video evidence showed that at the time of the crime, Justino, an Afro-Brazilian musician, was performing at an event four miles from the crime scene.

**Pretrial Detention:** According to the Ministry of Justice's National Penitentiary, in 2021 there were approximately 900,000 incarcerated persons in the country, with 227,622 inmates awaiting trial, an increase of almost 2.5 percent from 2020. The state of Sergipe had the highest increase of prisoners awaiting trial, from 42 percent in 2020 to 80 percent in 2021. The Federal District of Brasilia had the most significant decrease of inmates awaiting trial, from 23 percent in 2020 to 13

percent in 2021.

The length of pretrial detention frequently equaled or exceeded the maximum sentence for the alleged crime. A May report by Rio de Janeiro State's Public Defender's Office showed that more than 80 percent of detainees who were acquitted of charges based on wrongful facial recognition remained in custody for at least one year and six months (in some cases, defendants remained imprisoned for almost six years).

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Local NGOs, however, argued that corruption within the judiciary, especially at the local and state levels, prevented fair trials.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, and the judiciary generally enforced this right, although NGOs reported that in some rural regions – especially in cases involving land-rights activists – police, prosecutors, and the judiciary were perceived to be more susceptible to external influences, including fear of reprisals. Investigations, prosecutions, and trials in these cases often were delayed.

Although the law requires trials be held within a set time, there were millions of backlogged cases at state, federal, and appellate courts, and cases often took many years to be concluded. While the law provides for the right to counsel, the Ministry of Public Security stated many prisoners could not afford an attorney. The court must furnish a public defender or private attorney at public expense in such cases, but staffing deficits persisted in all states.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

Citizens may submit lawsuits before the courts for human rights violations. While the justice system provides for an independent civil judiciary, courts were burdened with backlogs and sometimes subject to corruption, political influence, and indirect intimidation. Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission on Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights.

## **Property Seizure and Restitution**

Authorities at times evicted persons from their places of residences or seized their property without due process or adequate restitution, although this happened most frequently at the state level and with traditional communities such as Quilombolas (Afrodescendants of enslaved persons). In March, a federal court ruled in favor of the Kalunga Quilombola community in Goiás State and upheld their right to territory invaded by a farmer, who was fined approximately R\$10,000 (\$1,920). The farmer had filed a lawsuit in 2017 to build on the land, but a court denied the request. According to the local Quilombola association, the farmer ignored that decision and continued building in the Quilombola territory.

The government has no laws or mechanisms in place for Holocaust restitution, and NGOs and advocacy groups reported the government had not made progress on resolution of Holocaust-era claims, including for foreign citizens. The country endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010. Persons in the federal government, the Israeli diplomatic mission to Brazil, civil society organizations, and synagogues were unaware of any laws codifying the return of Holocaust-era property to victims. Representatives of the União Brasileiro-Israelita do Bem Estar Social, a nonprofit organization operating in the city of São Paulo, worked with survivors based in the country pursuing claims, but usually those claims were done privately without advocacy or assistance from the government. Representatives of the organization said governmental assistance was primarily of a consular nature, provided to survivors pursuing claims while in Europe.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, but there were reports that the government failed to respect these prohibitions. NGOs reported that police occasionally entered homes without judicial or other appropriate authorization to conduct police operations against criminal activity. Human rights groups, other NGOs, and media reported incidents of excessive searches in poor neighborhoods during the operations. Police stopped and questioned persons and searched cars and residences without warrants.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media, but the government did not always respect this right.

**Violence and Harassment:** President Bolsonaro and members of his administration frequently criticized the press either verbally or through social media. Reporters Without Borders included President Bolsonaro in its list of 37 heads of state considered “press freedom predators.” The organization described the president’s tactics as “predatory methods” that used insults, humiliation, and vulgar threats against primarily women journalists, political analysts, and media networks. Despite these concerns, the press continued to operate freely.

Journalists were sometimes killed or subjected to harassment, physical attacks, and threats by those who object to their reporting. In instances of violence perpetrated by protesters or provocateurs during mass demonstrations, at times security forces injured journalists during crowd-control operations. The Brazilian Association of

Investigative Journalism, which monitors both physical violence and verbal aggression against journalists, recorded a 69 percent increase in serious aggressions in the year. There were 66 attacks (verbal, written, or posted on social media) considered serious against press professionals in the first seven months of the year. In the same period in 2021, the association identified 39, which at the time was considered a historic record. The association recorded 291 attacks against press freedom, including instances of official speeches being used to attack journalists, prosecutions, internet restrictions, and abusive use of state power. Of the 291 verbal criticisms recorded, 209 came from politicians and state agents and 157 from members of the Bolsonaro family. According to the association, President Bolsonaro verbally criticized the press 60 times, while his sons, Federal Deputy Eduardo Bolsonaro, city councilor Carlos Bolsonaro, and Senator Flavio Bolsonaro, did so 51, 32, and 20 times, respectively.

On August 27, police officer Renan Henrique de Paula allegedly assaulted a journalist at a police station in the city of Nova Lima, Minas Gerais State. The reporter, who worked for Radio Itatiaia, was covering a case in which de Paula was a suspect. De Paula was also a candidate for federal deputy for the National Mobilization Party. According to police, during an interview attempt, De Paula argued with other persons who were at the police station, and when the journalist started recording with his cell phone, de Paula took the cell phone and deleted the recordings. When the journalist attempted to retrieve his cell phone, de Paula hit him. Police officials reported that a disciplinary procedure would be opened to investigate the facts.

**Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media:** National laws prohibit politically motivated judicial censorship, but there were reports of censorship. According to the Mobile Movement (Movimento Brasileiro Integrado pela Liberdade de Expressão Artística), an NGO coalition, there were at least 211 cases of censorship and “authoritarianism against culture” in the first three years of President Bolsonaro’s government. The executive branch, during Bolsonaro’s term, was responsible for 72 percent of the cases. The Mobile Movement report indicated increasing censorship. From January to December 2020, 45 occurrences of censorship were reported. The number increased to 70 in 2021. In January – February, 11 more

cases emerged.

**Libel/Slander Laws:** Libel, slander, and defamation are criminal offenses. Penalties range from three months to two years plus a fine.

**Nongovernmental Impact:** Nongovernmental criminal elements at times subjected journalists to violence due to journalists reporting on their criminal activities.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Nonetheless, the online environment remained constrained by threats of violence against independent bloggers and websites, as well as criminal defamation laws and restrictive limits on content related to elections.

The electoral law regulates political campaign activity on the internet. The law prohibits paid political advertising online and in traditional media. During the three months prior to an election, the law also prohibits online and traditional media from promoting candidates and distributing content that ridicules or could offend a candidate.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related

rights.

### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. By law, refugees are provided official documentation, access to legal protection, and access to public services. The law codifies protections for asylum claimants and provides for a humanitarian visa and residency status that serves as an alternative to refugee claims for some categories of regional migrants, particularly from Venezuela.

As of October, there were almost 377,000 Venezuelan refugees and migrants in the country, the majority of whom arrived in the northern state of Roraima. The country had already officially recognized more than 63,000 refugees, of whom 51,600 were Venezuelans. The government continued the process of resettling Venezuelan refugees and asylum seekers and migrants, voluntarily relocating them from the border states in the north to other states to relieve pressure on the resource-strapped state of Roraima and provide increased opportunities for education and work. (See section 6, Children, for information on Venezuelan child refugees.)

**Abuse of Migrants and Refugees:** NGOs reported that refugees were susceptible to human trafficking for the purposes of forced commercial sex and forced labor.

### **f. Status and Treatment of Internally Displaced Persons**

According to the International Organization for Migration, there were approximately 450,000 internally displaced persons. The displacements were due in large part to natural disasters such as storms and floods, and the government promoted the safe return and resettlement to the areas the affected persons were forced to leave.

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Recent Elections:** Following national elections on October 2, former President Luiz Inácio Lula da Silva defeated President Jair Bolsonaro (50.8 percent to 49.2 percent) in a run-off on October 30. National and international observers, including the Organization of American States (OAS), and media considered the elections free and fair. Lula was scheduled to take office on January 1, 2023.

In 2020, the Superior Electoral Court ruled that publicly provided funds for campaign financing and advertising time on radio and television must be divided proportionally between Black and White candidates in elections. The decision was in effect for the October elections. International observers did not highlight in their interim reports instances of political parties failing to adhere to the legal requirements.

The OAS Electoral Observation Mission preliminary report noted complaints regarding electoral harassment in which “business owners, and other authority figures allegedly tried to influence, intimidate, or coerce employees and subordinates into voting for a particular candidate.”

Observers also noted the Federal Highway Police increased inspections of public buses in the Northeast, causing voter delays and perceived harassment. Following meetings with the electoral authority, the highway police ended the actions, and the electoral authority declared no voters had been prevented from voting because of the actions.

Voters shared on social media anecdotal accounts that militias and drug trafficking organizations interfered in electoral processes by using violence and intimidation to manipulate votes, influence candidate lists, and limit rival candidates’ ability to access and campaign in some neighborhoods. International and national observer missions, however, did not cite any trend in their interim reports.



**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process, and they did participate.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for convictions of corruption by officials and stipulates civil penalties for corruption committed by Brazilian citizens or entities overseas. There were numerous reports of corruption during the year at various levels of government, and delays in judicial proceedings against persons accused of corruption were common, often due to constitutional protections from prosecution for elected officials. This often resulted in de facto impunity for those responsible.

**Corruption:** On June 22, Federal Police agents arrested Former Minister of Education Milton Ribeiro and two evangelical pastors on suspicion of illegally disbursing money from the National Education Development Fund. The fund, a body linked to the ministry, was controlled by politicians from a political bloc that supported President Jair Bolsonaro.

On December 14, police in Canela, Rio Grande do Sul State, arrested Former Secretary of Tourism Angelo Sanches and businessmen José Fernando Marques and Elias Davi da Rosa for corruption. Several possible crimes were being investigated, including money laundering and criminal association, allegedly committed during the past four years and amounting to R\$ 2.8 million (\$536,000).

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Many domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. Federal and state officials in many cases sought the aid and cooperation of

domestic and international NGOs in addressing human rights problems.

**Government Human Rights Bodies:** Some local human rights organizations were critical of the Ministry of Human Rights, stating that many positions were either unfilled or filled by individuals who did not support human rights and that the role of civil society in policy discussions had been severely reduced.

The Chamber of Deputies and the Senate have human rights committees and subcommittees that operated without interference and participated in several activities nationwide in coordination with domestic and international human rights organizations. Most states have police ombudsmen, but their accomplishments varied, depending on such factors as funding and outside political pressure.

In the past, the government operated several interministerial councils linking civil society to decision makers in the government on a range of human rights topics. Civil society organizations and media reported that 75 percent of the councils no longer existed. Some councils were recreated but did not have the same level of civil society participation, and civil society members reported they played a limited role in helping create and monitor public policies.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of men or women, including spousal rape. In addition, the law criminalizes physical, psychological, and sexual violence against women, as well as defamation and damage to property or finances by someone with whom the survivor has a marriage, family, or intimate relationship. The law defines femicide as homicide of a woman due to her gender, including but not limited to, homicide that escalated from other forms of domestic violence, discrimination, or contempt for women. The law stipulates a sentence of 12 to 30 years.

In 2021, more than 1,300 women were victims of femicide, according to a study released by the Brazilian Public Security Forum. The data also showed that 98 percent of victims were killed by a current or former partner or a relative, 67 percent of victims were Black women, and more than 70 percent of the victims

were between ages 18 and 44.

The state of Minas Gerais recorded 135 victims of femicide from January to October and 297 total victims of domestic violence during the same period, according to Minas Gerais Public Security Secretariat.

In the first six months, Rio Grande do Sul state officials issued an average of 335 protective measures per day for women victims of domestic violence, representing a 16 percent increase, compared with the same period in 2021.

In Santa Catarina State, femicides doubled in the first half of the year; 26 women were killed, compared with 13 cases during the same six months in 2021. The average age of victims also changed, from 44 years to 36. The perpetrators of the killings sometimes also targeted the families of the victims, especially their mothers, according to Patricia Zimmermann, the coordinator of the Police Stations for the Protection of Children and Adolescents, Women, and the Elderly.

Each state secretariat for public security had police stations dedicated exclusively to addressing crimes against women. State and local governments also operated reference centers and temporary women's shelters, and many states maintained domestic violence hotlines. The Rio de Janeiro State Military Police aid hotline received 34,050 domestic violence calls in the first six months of the year. In March, a police operation resulted in the arrest of 51 suspects accused of domestic violence in the state of Rio de Janeiro.

Since 2020, the Piaui State Court of Justice invested in campaigns and online assistance to facilitate access for victims of violence. Other opportunities to denounce or report domestic violence were possible in Piaui through the Salve Maria computer application, Francisca Trindade Center, Maria da Penha Patrol, Esperança Garcia Institute, Ombudsman of the Public Ministry of Piaui, and Public Defender's Office. In January, the mayor of Teresina, capital of Piaui, signed a law that prioritizes children of women who were victims of violence for placement and enrollment in public municipal schools. According to the Secretary of Public Policies for Women, Karla Berger, registration is confidential and transfer from one institution to another is accommodated.

Bahia State police conducted a two-month operation in February that resulted in

the arrest of 265 suspects accused of domestic violence. Espírito Santo State police also conducted a two-month operation in February that resulted in the arrest of 453 suspects accused of domestic violence. The law recommends health facilities contact police regarding cases in which a woman was harmed physically, sexually, or psychologically and instructs police to collect evidence and statements should the victim decide to prosecute.

According to the State Secretary of Justice and Public Security, the number of rapes in Mato Grosso do Sul State increased by 104 percent from January to May (610 cases), compared with the same period of 2021. Among the cases of rape, 53 percent were committed against children up to age 11, and 33 percent against adolescents from ages 12 to 17. The *Brazilian Yearbook*, produced by the Brazilian Public Security Forum, classified Mato Grosso do Sul as a leading state registering the most cases of rape in the country in 2021.

On June 10, Rio de Janeiro State's police arrested anesthesiologist Giovanni Quintella Bezerra for reportedly assaulting a pregnant woman while she was sedated in an operating room. The incident occurred at Vilar dos Teles Women's Hospital, where Bezerra worked. Police were investigating 30 other complaints of women whom Bezerra allegedly assaulted.

According to a report by *O Globo* newspaper, Rio de Janeiro State had 102 cases of gang rape (defined as rape by two or more persons) in the first three months of the year, a total of 117 survivors. Three out of four survivors were children.

Data from the Rio Grande Sul Public Security Secretariat indicated that sexual crimes against women increased by 90 percent in the town of Bento Gonçalves and 20 percent in Caxias do Sul. A girl, age 12, recorded her own rape on video, and her mother reported the case to the police, which led to her stepfather's arrest in the city of Canela, in Rio Grande do Sul.

A Santa Catarina judge attempted to prevent a girl, age 11, who was raped from having an abortion, comparing the procedure to murder. At the hearing of the girl, who had been separated from her family and kept in a shelter so that she would not have an abortion, the judge asked the child if she would bear the pregnancy to term and deliver the baby to authorities.

**Sexual Harassment:** Sexual harassment is a criminal offense, punishable by up to two years in prison. The law includes actions performed outside the workplace. NGOs reported sexual harassment was a serious concern, and perpetrators were infrequently held accountable. According to data provided by the Federal Comptroller General, two out of every three investigations for sexual harassment in the federal government ended without any penalty. On June 29, the president of the federal bank Caixa Econômica Federal was fired due to several allegations of sexual harassment. At least 14 reports were sent to the Labor Prosecutor's Office, which was investigating them.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for sexual violence survivors, including emergency contraceptives and termination of pregnancy as provided for by law. According to the UN Population Fund (UNFPA), persons in remote regions had trouble accessing reproductive health services.

UNFPA reported that the adolescent birth rate per 1,000 girls for those between ages 15 to 19 averaged 53 births for the period of 2003 to 2018. The Ministry of Health reported that the maternal mortality ratio averaged 59 deaths per 100,000 live births as of 2018 and was higher among Black women than among White women. Data published in May 2021 by the Oswaldo Cruz Foundation found that the risk of death of pregnant brown and Black women from COVID-19 was almost twice that of White women and noted that Black women were less likely to have gynecological and prenatal care and travelled farthest to reach a maternity ward.

In May 2021, UNICEF and UNFPA published a report on menstrual poverty experienced by girls who lived in conditions of poverty and vulnerability, sometimes without access to basic sanitation services, hygiene resources, and minimal knowledge about the body. More than 700,000 girls had no access to a bathroom or shower in their homes. More than four million girls experienced at least one deprivation of hygiene in schools, including lack of access to feminine care products and basic facilities such as toilets and soap. Nearly 200,000 of these students were completely deprived of the minimum conditions to handle

menstruation at school. A study from Girl Up Brazil, a network to end menstrual poverty in the country, found that one in four girls had missed school because they lacked access to feminine products.

**Discrimination:** The law provides for the same legal status and rights for women as for men in all circumstances. The law does not require equal pay for equal work. According to the International Labor Organization, women not only earned less than men but also had difficulties entering the workplace: 78 percent of men held paid jobs, compared with 56 percent of women. Sexual harassment in the workplace is illegal, but the law was not effectively enforced.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibits racial discrimination, specifically the denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibits the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets, and it stipulates prison terms for such acts.

In 2021, approximately 57 percent of the population self-identified as belonging to categories other than White. Despite this high representation within the general population, Black and brown citizens, particularly Afro-Brazilians, encountered discrimination. They experienced a higher rate of unemployment and earned average wages below those of White persons in similar positions. There was also a sizeable education gap. Afro-Brazilians were disproportionately affected by crime and violence.

Reported incidents of racism in Santa Catarina state grew almost 20 percent in 2021. The state had the second highest number of records of racial slurs, according to the *Public Security Annual*.

Banco Santander was ordered to pay approximately R\$15,700 (\$3,000) compensation for “moral damages” to a customer who was forced to take off his clothes and wear only his underwear to enter the bank branch in Jaboatão dos Guararapes, Pernambuco State. The event took place in 2014, but the ruling was ordered in January by the Pernambuco Court of Justice. Immediately after the incident, the victim filed a complaint for a racial slur against him and filed a separate case for moral damages.

The law provides for quota-based affirmative action policies in higher education, government employment, and the military. Nevertheless, Afro-Brazilians were underrepresented in the government, professional positions, and middle and upper socioeconomic classes.

Many government offices maintained internal committees to validate the self-declared ethnicity claims of public-service job applicants by using phenotypic criteria, assessing “Blackness” to reduce abuse of affirmative action policies and related laws. University administrators regularly conducted investigations and expelled students for fraudulently claiming to be Black or brown to claim racial quota spots in universities. Statistics showed university racial-quota policies were beginning to have a positive impact on educational outcomes for Afro-Brazilians. For example, data analysis from the National Household Sample Survey showed that in 2019 Black women (28 percent of the population) made up 27 percent of students in public higher education, an increase of 8 percent since 2001.

## **Indigenous Peoples**

The constitution acknowledges that Indigenous peoples are the original inhabitants of the country and guarantees the exclusive possession of their territories and respect for their social organizations, customs, languages, beliefs, and traditional lands. According to data from the National Indigenous Foundation (FUNAI) and the 2010 census, there were approximately 896,000 Indigenous persons representing 305 distinct Indigenous ethnic groups that spoke 274 distinct languages.

Approximately 14 percent of the country’s land area is designated as Indigenous territory. Requests to exploit mineral and water resources, including ones with energy potential, on Indigenous lands must be approved by Congress, in consultation with the Indigenous communities. Despite several proposals, Congress passed no legislation to regulate these activities. Illegal land occupations often resulted in violence and even death. According to the Indigenous Missionary Council report entitled *Violence Against Indigenous Peoples of Brazil*, in 2021 there were 305 occupations of territories in 22 states, impacting 226 Indigenous lands. The number of occupations in 2021 was almost three times higher than in 2018, when 109 such cases were counted. There were 176 Indigenous persons

killed in 2021, some of them linked to the occupations.

NGOs continued to claim the lack of regulation and attempts to create new legislation or change existing legislation to promote economic development, along with impunity in cases of illegal land invasions, resulted in the illegal exploitation of natural resources. The NGO Instituto Socioambiental reported more than 20,000 miners were illegally extracting gold from the Yanomami Indigenous lands in Roraima State. A MapBiomas study showed that the area of illegal mining in Indigenous lands and conservation areas expanded 495 percent from 2010 to 2020.

The Quilombola population – descendants of Africans who escaped slavery – was estimated to include 6,000 communities and five million individuals, although the government had no official statistics. The constitution recognizes Quilombola land ownership rights. Nearly 3,000 communities were registered, but fewer than 140 had been granted land titles by the government.

Quilombola communities faced systemic challenges such as endemic poverty, racism, violence, threats against women, and threats against community leaders, as well as limited access to essential resources and public policies. According to the domestic NGO CONAQ, Black populations had a higher rate of diseases that further aggravated the effects of COVID-19, such as diabetes and high blood pressure. The precarious access to water in many territories was a cause for concern, as it also hindered hygiene practices. Civil society leaders also cited concerns about food insecurity in Quilombola communities. The communities claimed that health officials did not conduct sufficient contact tracing or testing there, compared with the general population.

## **Children**

**Birth Registration:** Citizenship is derived from birth in the country or from birth to a Brazilian citizen parent. Birth registration was provided on a nondiscriminatory basis. Parents are required to register their newborns within 15 days of the birth or within three months if they live more than approximately 20 miles from the nearest notary. Nevertheless, many children did not have birth certificates.

**Child Abuse:** The law prohibits child abuse and negligence, but enforcement was



often ineffective, and abuse was widespread. Reports of sexual violence against children and adolescents in the country more than doubled compared to the beginning of the COVID-19 pandemic. Between January and April 2021, there were 4,486, more than double the number of complaints in the same period in 2020. According to the Ministry of Women, Family, and Human Rights, in 2021 almost 60 percent of the cases the victims were between the ages of 10 and 17. Approximately 74 percent of the cases were rape of girls.

In April in the state of Santa Catarina, a girl, age two, was found dead inside her home with a neck injury. The suspect, the male partner of the victim's mother, was arrested and confessed to the crime.

In April, the government of Pernambuco State, the municipal government of Recife, and the international NGO The Freedom Fund signed a protocol of intent to combat the sexual exploitation of children and adolescents in Recife. Debora Aranha, manager of the NGO, said the project sought to implement joint actions aimed at eradicating sexual exploitation of young persons in Pernambuco, noting that five out of eight women involved in the sex market entered it before age 18, and one-quarter of them before age 14. A survey by the independent research group Datafolha indicated that 22 percent of the persons interviewed knew or witnessed a situation of sexual exploitation against children and adolescents, but 80 percent of these individuals did not report it. According to the Pernambuco Department of Social Development in 2020, there were 957 reported cases of sexual abuse and 60 of sexual exploitation against children and adolescents in Pernambuco State, while in 2021 the numbers increased to 1,294 and 79, respectively.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 18 (or 16 with parental or legal representative consent). The practice of early marriage was common. A study of child marriage in the northeastern states of Bahia and Maranhão found that pregnancy was the main motivation for child marriage in 15 of 44 cases.

**Sexual Exploitation of Children:** Sexual exploitation of children, adolescents, and other vulnerable persons is prohibited and is punishable by four to 10 years in prison. The law defines sexual exploitation as child sex trafficking, sexual activity,

production of child pornography, and public or private sex shows. The government enforced the law unevenly. The law sets a minimum age of 14 for consensual sex, with the penalty for statutory rape ranging from eight to 15 years in prison.

The country was a destination for child sex tourism. While no specific laws address child sex tourism, it is punishable under other criminal offenses. Girls from other South American nations were also exploited in sex trafficking in the country.

The law criminalizes child pornography. The creation of child pornography carries a prison sentence of up to eight years and a fine. The penalty for possession of child pornography is up to four years in prison and a fine.

**Displaced Children:** According to UNICEF, in 2020 refugee support organizations identified more than 1,580 unaccompanied Venezuelan children and adolescents in Pacaraima, Roraima State, and in the first three months of the year the number reached 1,070. According to civil society contacts, some of these minors were at risk of being trafficked or sexually exploited. Local child protection services offices acted as legal guardians so unaccompanied adolescents could go to school and obtain identification papers to access the public health system. In some areas, however, they could not accommodate the influx of children. State shelters in Roraima, the state where most migrants entered the country, could house a maximum of 15 adolescent boys and 13 adolescent girls. According to a 2019 Human Rights Watch report, some unaccompanied children ended up living on the streets, where they were particularly vulnerable to abuse or recruitment by criminal gangs.

## **Antisemitism**

According to the Brazilian Israelite Federation, there were approximately 120,000 Jewish citizens in the country, of whom approximately 65,000 lived in the state of São Paulo and 34,000 in the state of Rio de Janeiro.

By law, it is a crime to manufacture, sell, distribute, or broadcast symbols, emblems, ornaments, badges, or advertising that use the swastika for purposes of publicizing Nazism, which has a penalty of two to five years' imprisonment. A

map by anthropologist Adriana Dias, who researched neo-Nazism in the country since 2002, identified 530 different extremist groups totaling an estimated 10,000 persons, which was a 271 percent increase from January 2019 to May 2021. Their attacks included a school shooting and killing in a day-care facility. Federal judge Claudia Dadico noted that the country's legislation on hate speech lacks clarity and therefore makes it difficult to punish under law. Neo-Nazi groups were concentrated in the southern region of the country, but Dias reported that they had spread to other regions, including Minas Gerais and Rio de Janeiro States.

In June, Rio de Janeiro's Court of Justice sentenced Pastor Tupirani da Hora Flores, leader of the Pentecostal Church Geração Jesus Cristo, to 18 years and six months in prison for racism and incitement in addition to other crimes, after he produced and published several videos containing direct attacks on Jews and members of other religions.

In June, after a six-year process, a federal court in São Paulo State indicted a man for pro-Nazi and pro-Hitler propaganda on a Russian social network. The defendant was already serving community service sentences for two earlier similar crimes.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** No laws criminalize consensual same-sex sexual conduct between adults.

**Violence against LGBTQI+ Persons:** Violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals was a serious concern. While violence against LGBTQI+ individuals generally had declined since 2017, violence specifically targeting transgender individuals increased. The Federal Public Ministry is responsible for registering reports of crimes committed based on

gender or sexual orientation but reportedly was slow to respond. Transgender individuals were particularly at risk of being the victims of crime, including sex trafficking, or committing suicide. According to a report by Grupo Gay da Bahia, 135 LGBTQI+ persons were killed in the country in the first six months of the year, a 20 percent decrease compared with the same period in 2021.

**Discrimination:** In 2019, the Federal Supreme Court criminalized discrimination based on sexual orientation and gender identity. Offenders face sentences of one to three years' imprisonment and a fine, or two to five years' imprisonment and a fine if the offender disseminates the incident via social media thereby exposing the victim. In April, the Superior Court of Justice unanimously ruled that protective measures through the Maria da Penha Law, which aims to reduce gender-based and domestic violence, are valid for a transgender woman, the first time such a ruling had taken place.

NGOs cited lack of economic opportunity for LGBTQI+ persons as a concern. According to Grupo Gay da Bahia, 33 percent of companies avoided hiring LGBTQI+ employees, and 90 percent of transgender women engaged in commercial sex because they could find no employment alternative. Transgender women often paid human traffickers for protection and daily housing fees. When unable to pay, they were beaten and starved. Traffickers targeted transgender women, luring them with offers of gender reassignment surgery and later exploiting them in sex trafficking when they were unable to repay the cost of the procedure.

According to some LGBTQI+ leaders, the COVID-19 pandemic severely limited the LGBTQI+ population's access to public health and mental health resources, and many were in abusive domestic situations with families that did not support them. According to some civil society sources, LGBTQI+ workers, who were more likely to work in the informal economy, lost their jobs at a much higher rate than the general population during the pandemic.

**Availability of Legal Gender Recognition:** A 2016 presidential decree standardizes the use of a person's social name by bodies and entities of federal public administration. In federal institutions, respect for the social name is mandatory; persons have the right to be respected by the name and gender by

which they identify themselves. This also applies to any health-care unit and hospital. Many of these institutions reserve a field in forms and documents intended for social names.

In 2021, the Regional Federal Court of Rio de Janeiro State instructed the armed forces to recognize the social name of transgender military personnel and prohibited compulsory removal of service members for “transsexualism.”

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** The Federal Council of Psychology in Brazil prohibits any professional from trying to apply so-called conversion therapy practices to LGBTQI+ persons. In 2019, the STF reaffirmed the council’s decision, which set a precedent against conversion therapy practices in cases that appear before courts. Nevertheless, there were many reports of conversion attempts conducted or recommended by evangelical and Catholic churches.

All Out and Instituto Matizes produced a report called *Between “cures” and “therapies”: Efforts to “correct” the sexual orientation and gender identity of LGBTQIA+ persons in Brazil*. The research, published during the year, identified 26 types of “gay cures” in the country. The different “gay cures” were divided into four categories: religious, medical/psychological, familial, and academic. One participant reported that during his adolescence, his family prohibited him from working outside the home, believing that by working in their auto repair shop he would be isolated from his community and others would not learn of his sexual orientation. Of the 365 persons interviewed, 193 had been subjected to an attempted “gay cure.”

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no restrictions of freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters.

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities, and the federal government generally enforced these provisions. While federal and state laws mandate access to buildings for persons with disabilities, states did not enforce them effectively. The law requires private

companies with more than 100 employees to hire 2 to 5 percent of their workforce from persons with disabilities. According to the 2010 census, only 1 percent of those with disabilities were employed.

The lack of accessible infrastructure and school resources significantly limited the ability of persons with disabilities to participate in the workforce. Data released by the Brazilian Institute of Geography and Statistics in August revealed that individuals with a disability were less likely to complete education at all levels. Sixty-seven percent of individuals with a disability had incomplete primary education or no education at all, compared with 31 percent of persons with no disability. Similarly, only 16 percent of persons with disabilities completed high school, compared with 37 percent of persons without disabilities.

Civil society organizations acknowledged monitoring and enforcement of disability policies remained weak and criticized a lack of accessibility to public transportation, weak application of employment quotas, and a limited medical-based definition of disability that often excludes learning disabilities.

## **Other Societal Violence or Discrimination**

Discrimination against persons with HIV or AIDS is punishable by up to four years in prison and a fine. Civil society organizations and the press reported discrimination against persons with HIV or AIDS.

Followers of Afro-Brazilian religions such as Candomblé and Umbanda faced more discrimination and violence than any other faith-based group. Although less than 2 percent of the population professed Afro-Brazilian religions, most of the religious persecution cases registered by the human rights hotline involved victims who were practitioners of Afro-Brazilian religions.

Followers of Afro-Brazilian religions faced physical attacks on their places of worship and other forms religious intolerance. According to one religious leader, these attacks resulted from a mixture of religious intolerance and racism, systemic societal discrimination, media's perpetuation of harmful stereotypes, and attacks by public and religious officials against these communities.

In September, news outlets reported a case of religious intolerance in Itaborai in

Rio de Janeiro State in which an unidentified man attacked with a machete Bruna Domingues Vaz, causing her to lose an eye, because she was listening to an African-descent religious song. The aggressor had not been arrested as of November.

Drug trafficking organizations and other groups contributed to societal violence. There was evidence that these heavily armed organizations participated in vigilante justice, holding “trials” and executing persons accused of wrongdoing. A victim was typically kidnapped at gunpoint and brought before a tribunal of gang members, who then tortured and executed the victim. In Rio de Janeiro City’s favelas, the practice of police-affiliated criminal organizations, known as militias, using violence to extort payments for protection was a common occurrence. Militia groups, often composed of off-duty and former law enforcement officers, penitentiary officials, and firefighters, reportedly took policing into their own hands. Many militia groups intimidated residents and conducted illegal activities, such as extorting protection money and providing pirated utility services. The groups also exploited activities related to the real estate market and the sale of drugs and arms.

Militias controlled an estimated 25 percent of Rio de Janeiro city’s neighborhoods; drug trafficking organizations controlled an estimated 35 percent; 32 percent of neighborhoods were in dispute; and 8 percent had no reported presence of either militias or drug trafficking organizations, according to a study conducted by the Federal Fluminense University and the University of São Paulo, in partnership with Disque Denúncia, Fogo Cruzado, and *Pista News*. Law enforcement sources confirmed that militia groups were routinely involved in human rights abuses, extrajudicial killings, and economic exploitation of vulnerable population groups.

In February, media outlets reported that rival drug trafficking gangs contending for power in São João de Meriti, in the Baixada Fluminense area of Rio de Janeiro State, imposed a curfew on residents. The press also reported that regular shootouts between the same criminal groups resulted in lethal injuries to bystanders.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law provides for freedom of association for all workers (except members of the military, military police, and firefighters); the right to bargain collectively with some restrictions; and the right to strike. The law prohibits antiunion discrimination, including the dismissal of employees who are candidates for, or holders of, union leadership positions, and it requires employers to reinstate workers fired for union activity.

New unions must register with the Ministry of Economy, which accepts the registration unless objections are filed by other unions. The law stipulates certain restrictions, such as *unicidade* (in essence, one union per occupational category per city), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a single geographical area. Unions that represent workers in the same geographical area and professional category may contest another union's registration.

The law stipulates that a strike may be ruled "disruptive" by the labor court, and the union may be subjected to legal penalties if the strike violates certain conditions, such as if the union fails to notify employers at least 48 hours before the beginning of a walkout or end a strike after a labor court decision. Employers may not hire substitute workers during a legal strike or fire workers for strike-related activity, provided the strike is not ruled abusive as defined in the law.

The law obliges a union to negotiate on behalf of all registered workers in the professional category and geographical area it represents, regardless of whether an employee pays voluntary membership dues. The law includes collective bargaining rights, such as the ability to negotiate a flexible hourly schedule and work remotely. The law permits the government to reject clauses of collective bargaining agreements that conflict with government policy.

Freedom of association and the right to collective bargaining were generally respected. Collective bargaining was widespread in establishments in the private sector.



In the view of NGO experts, the government usually effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were regularly applied against violators.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits “slave labor,” defined as “reducing someone to a condition analogous to slavery,” including subjecting someone to forced labor, debt bondage, exhausting work hours, and labor performed in degrading working conditions.

Many individuals in slave labor, as defined by the country’s law, were victims of human trafficking for the purpose of forced labor. The government took actions to enforce the law, although forced labor occurred in many states. Violations of forced labor laws are punishable by up to eight years in prison. The law also provides penalties for various crimes related to forced labor, such as illegal recruiting or transporting workers or imposing onerous debt burdens as a condition of employment.

Every six months the Ministry of Economy publishes a “dirty list” of companies found to have employed forced labor. Public and private banks use the list to conduct risk assessments, and inclusion on the list prevents companies from receiving loans from state-owned financial institutions. The Federal Labor Prosecutor’s Office, in partnership with the International Labor Organization (ILO), maintained an online platform that identified hotspots for forced labor. The Ministry of Economy’s Mobile Labor Inspection Unit teams conducted unannounced inspections of properties where forced labor was suspected or reported, using teams composed of labor inspectors, labor prosecutors from the Federal Labor Prosecutor’s Office, and Federal Police agents. Mobile teams levied fines on landowners who used forced labor and required employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin. Labor inspectors and prosecutors, however, could apply only civil penalties; consequently, many cases were not criminally prosecuted.

Forced labor, including forced child labor, was reported in jobs such as clearing forests to provide cattle pastureland, logging, producing charcoal, salt industries,

mining, raising livestock, acai, and other agricultural activities. Forced labor often involved young men, notably Afro-Brazilian men, drawn from the less-developed northeastern states – Maranhão, Piauí, Tocantins, and Ceará – and the central state of Goiás to work in the northern and central-western regions of the country. In addition, there were reports of forced labor in the construction industry. News outlets reported cases that amounted to forced labor in production of carnauba wax. Cases of forced labor were also reported in the garment industry in the city of São Paulo; victims of forced labor were often from neighboring countries, such as Venezuela, Bolivia, and Paraguay, while others came from Haiti, South Korea, and China.

As of November, 1,178 workers were rescued in situations analogous to slavery. The victims were rescued through 242 operations of the Inspection Division for the Eradication of Slave Labor, in the Ministry of Labor, between January and July. This operation was part of the Childhood Without Work Program, which seeks to promote actions and strengthen public policies to eradicate child labor in the state of Maranhão by 2025. The initiative is a partnership of the Public Ministry of the State of Maranhão, Public Ministry of Work in Maranhão, State Secretariat for Social Development, Regional Labor Superintendence in Maranhão, and Regional Labor Court of the 16th Region.

An operation carried out in July, with 105 labor inspections involving 50 teams in at least 65 municipalities, rescued 337 persons from conditions analogous to slavery. Of those rescued, five were children and adolescents and six were domestic workers. The operation was considered the largest in the country's history due to the structure involved and the diversity of actions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination based on race, sex, gender, disability, religion, political opinion, natural origin or citizenship, age, language, and sexual orientation or gender identity. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. Discrimination against individuals who are HIV positive or suffer from other communicable diseases is also prohibited. The government generally enforced the laws and regulations, although discrimination in employment occurred with respect to Afro-Brazilians, women, persons with disabilities, Indigenous persons, and transgender individuals. Penalties were sometimes applied against violators.

The Ministry of Economy implemented rules to integrate promotion of racial equality in its programs, including requiring race be included in data for programs financed by the ministry. According to the ILO, women not only earned less than men but also had difficulties entering the workplace: 78 percent of men held paid jobs, compared with 56 percent of women. Although the law prohibits gender discrimination in pay, professional training, working hours, occupations, tasks, and career advancement, according to NGO representatives, the law was rarely enforced, and discrimination existed.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provides for a minimum wage, which was greater than the official poverty income level. The law limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also provides for paid annual vacation, prohibits excessive compulsory overtime, limits overtime to two hours per workday, and stipulates that hours worked above the monthly limit must be compensated with at least time-and-a-half pay; these provisions generally were enforced for all groups of workers in the formal sector. The constitution also provides for the right of domestic employees to work a maximum of eight hours per day and 44 hours per week, a minimum wage, a lunch break, social security, and severance pay.

The owners of a restaurant were caught using forced labor on a farm that they owned. Two workers were rescued, and officials stated the owners had violated

wage, hour, and overtime regulations.

**Occupational Safety and Health:** The Ministry of Economy sets occupational safety and health (OSH) standards that are consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country, especially in construction. OSH experts actively identified unsafe conditions, including lack of personal protective equipment against COVID-19, in addition to responding to workers' OSH complaints. The law requires employers to establish internal committees for accident prevention in workplaces. It also provides for the protection of employees from being fired for their committee activities. Workers could remove themselves from situations that endangered their health or safety without jeopardy to their employment, although those in forced labor situations without access to transportation were particularly vulnerable to situations that endangered their health and safety.

**Wage, Hour, and OSH Enforcement:** The Ministry of Economy addressed problems related to nonpayment of wages and minimum wage, long workdays, and unsafe or unhygienic work conditions. In the view of NGO experts, officials effectively enforced OSH laws. Penalties for violations include fines that vary widely depending on the nature of the violation. Penalties were in general commensurate with similar crimes such as fraud or negligence. Penalties were regularly applied against violators. The National Labor Inspection School held various virtual training sessions for labor inspectors throughout the year. The number of labor inspectors was insufficient to enforce compliance. Inspectors have the authority to make unannounced inspections and initiate sanctions.

**Informal Sector:** According to data collected by the Brazilian Institute of Geography and Statistics as a part of its August Continuous National Household Survey, 39.3 million persons participated in the informal sector, representing 40 percent of the employed population. Although workers in the informal sector enjoyed some labor protections, including minimum wage, hour limitations, and OSH laws and workplace inspections, they lacked access to unemployment insurance and social safety nets. Part-time workers were covered by wage, hour, OSH, and other labor laws and inspections.

Gig workers are not considered employees, and food delivery or ride share

companies do not consider the workers who provide services through their platforms to be employees. These workers were not protected by labor law.